

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

KENYATTI COLLINS,

Plaintiff

VS.

CODY FREEMAN,

Defendant

NO. 5:07-CV-383 (HL)

**PROCEEDINGS UNDER 42 U.S.C. §1983  
BEFORE THE U. S. MAGISTRATE JUDGE**

**RECOMMENDATION TO DISMISS**

On January 30, 2008 (Tab #11), the undersigned advised the parties in the above-captioned civil action of, *inter alia*, the following requirements:

**DUTY TO ADVISE OF ADDRESS CHANGE**

*During the pendency of this action, each party shall at all times keep the Clerk of this court and all opposing attorneys and/or parties advised of his current address. FAILURE TO PROMPTLY ADVISE THE CLERK OF ANY CHANGE OF ADDRESS MAY RESULT IN THE DISMISSAL OF A PARTY'S PLEADINGS FILED HEREIN!*

**DUTY TO PROSECUTE ACTION**

*Plaintiff is advised that he must diligently prosecute his complaint or face the possibility that it will be dismissed under Rule 41(b) of the FEDERAL RULES OF CIVIL PROCEDURE for failure to prosecute. Defendants are advised that they are expected to diligently defend all allegations made against them and to file timely dispositive motions as hereinafter directed. This matter will be set down for trial when the court determines that discovery has been completed and that all motions have been disposed of or the time for filing dispositive motions has passed.*

On January 26, 2010, after more than two years of inaction on the part of plaintiff Collins, the undersigned issued an order directing him to SHOW CAUSE as to why his case should not be dismissed. Tab #18. On February 11, 2010, that order was returned to the clerk as undeliverable. Tab #19. Accordingly, **IT IS RECOMMENDED** this action be **DISMISSED with prejudice**.

Pursuant to 28 U.S.C. §636(b)(1), the parties may serve and file written objections to this RECOMMENDATION with the district judge to whom this case is assigned **WITHIN FOURTEEN (14) DAYS** after being served with a copy thereof.

The Clerk is directed to serve the plaintiff with a copy of this Recommendation by mailing it to him at the **LAST ADDRESS** provided by him.

**SO RECOMMENDED**, this 17<sup>th</sup> day of FEBRUARY, 2010.



A handwritten signature in blue ink that reads "Claude W. Hicks, Jr." The signature is fluid and cursive, with the first name "Claude" being the most prominent.

CLAUDE W. HICKS, JR.  
UNITED STATES MAGISTRATE JUDGE